

## REMARKS

In the Action dated August 25, 2006, the Examiner has objected to Claim 25 noting that Claim 25 improperly depends from Claim 22 which has been cancelled. By the amendments submitted herewith the content of Claim 25 has been added to Claim 23 and Claim 25 has been cancelled. Thus, the Examiner's objection to Claim 25 is rendered moot.

In paragraph 4 of the Examiner's Action dated August 25, 2006, the Examiner has rejected Claims 1,4, 6-7-10, 12, 14-16, 23 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Wolff*, United States Patent No. 6,101,508, in view of *Short et al.*, United States Patent No. 6,178,529. That rejection, in so far as it applies to the claims currently within the present application and as amended herein, is respectfully traversed.

Applicant first notes a belief that the Examiner's inclusion of Claims 1, 4, 6-7-10 and 12 in this rejection was unintended as those claims have been cancelled by the Preliminary Amendment submitted with this application. Consequently, that rejection will not be addressed herein.

Next, the Examiner believes that *Wolff* teaches the invention substantially as claimed. Applicant first notes that *Wolff*, United States Patent No. 6,101,508, was filed on April 15, 1998. The parent application of the present application, now United States Patent No. 6,427,163, was filed on July 10, 1998 and the undersigned attorney has reviewed the disclosure in that application and notes that the invention is fully described and noted as workable prior to the filing date of *Wolff*. Thus, should the Examiner persist in a rejection over this reference Applicant will submit an appropriate declaration swearing back of *Wolff*.

As set forth in the present application at page 6, line 24 *et seq.*, the method and system described herein are directed to a configuration object/data base record for the resource group which has an associated owner list identifying the data processing systems which are members of the

resource group and which may manage a particular application. A data processing system may belong to more than one resource group; however, and configuration and status information for the data processing system is therefore replicated to each data processing system which might be affected by failure of the subject data processing system. This partial replication scheme allows resource groups to run in parallel, reducing the cost of data replication and access by means of the configuration object/data base record described above.

*Wolff*, in contrast, describes a technique for clustered file management of network resources. Nowhere within *Wolff* is there the slightest suggestion of a configuration object which contains "configuration and status information for a highly available application corresponding to the resource group and having an associated list of data processing systems within the resource group..." as set forth in Claims 14, 23 and 27, as amended herein. Consequently, Applicant urges that *Wolff* no longer teaches the invention set forth within Claim 14, for example.

Applicant notes the Examiner's inclusion of the reference to *Short et al.* for purposes of suggesting the invention set forth within Claim 17, now substantially contained within the independent claims remaining in the application. For this purpose, with respect to Claim 17, the Examiner cites column 9, lines 36-67, of *Short et al.*

Applicant has carefully examined the cited portion of *Short et al.* and notes that the description therein merely details the control of a resource object through one of a plurality of controlling methods which may be utilized to create and control an instance of a specific resource. Other than the utilization of the term "instance" Applicant finds nothing within the cited portion of *Short et al.* which shows or suggests in anyway the instantiation of a configuration object which contains configuration and status information for a highly available application which corresponds to the resource group and which includes an associated list of data processing systems within the

resource group which, as described in the present specification, may manage that highly available application. Consequently, Applicant urges that *Short et al.*, whether considered alone or in combination with *Wolff*, fails to show or suggest the invention set forth within the claims as amended herein.

Similarly, with respect to Claim 23, the Examiner relies upon the combination of *Wolff* and *Short et al.* for an alleged teaching of instructions which instantiate a configuration object containing configuration as status information for highly available application corresponding to the resource group and having an associated a list of data processing systems within the resource group. For this purpose the Examiner now cites, column 10, lines 10-44 of *Short et al.*

Once again, Applicant has carefully reviewed this cited portion of *Short et al.* and notes a description therein of a DLL of a resource making a specific instance of a resource object available for use by a local system. Nothing within the cited portion of *Short et al.* shows or suggests in anyway the creation of a configuration object which contains both configuration and status information for a highly available application corresponding to the resource group and which includes an associated list of data processing systems within the resource group. Consequently, Applicant urges the Examiner rejection of these claims is also not well founded and its withdrawal is respectfully requested.

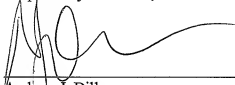
Finally, with respect to Claim 27, as amended herein by the inclusion of the content of Claim 30, the Examiner once again applies the combination of *Wolff* and *Short et al.*, in this instance relying upon *Wolff* at column 24, lines 48-67 and column 25, lines 1-27. Putting aside for the moment the applicability of the *Wolff* reference, Applicant notes that the cited portion of *Wolff* is directed to an embodiment of client load balancing and fails to show or suggest in anyway a configuration object which contains configuration and status information for a highly available

application corresponding to the resource group and which includes an associated list of data processing systems within that resource group.

In the absence of such a showing Applicant urges that the Examiner's rejection of Claim 27 and its dependent claims is similarly deficient and withdrawal of that rejection is respectfully requested.

A one month extension of time was filed on December 19, 2006. No additional fees are believed to be required; however, in the event that any additional fees are required, please charge IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew J. Dillon', is written over a horizontal line.

Andrew J. Dillon

*Reg. No. 29,634*

DILLON & YUDELL LLP

8911 North Capital of Texas Highway

Suite 2110

Austin, Texas 78759

Telephone (512) 343-6116

Facsimile (512) 343-6446

ATTORNEY FOR APPLICANTS